



STAFF REPORT – CITY COUNCIL MEETING

February 15, 2023

TO: Honorable Mayor and City Council Members

FROM: Karen T. Diemer, City Manager

PREPARER: Karen T. Diemer, City Manager

DATE: February 09, 2023

TITLE: **Declare a Continuation of the Local Emergency Related to the Coronavirus Pandemic through March 3, 2023.**

RECOMMENDATION:

It is recommended that the Council:

- 1) Continue the Local Emergency related to the Coronavirus (COVID-19) pandemic through March 3, 2023 and provide direction to staff as necessary on steps to respond to the public health and safety emergency; and
- 2) Find that the COVID-19 state of emergency could continue to directly impact the ability of the Council and public to meet safely in person, and state or local officials continue to impose or recommend measures to promote social distancing.

INTRODUCTION:

California Government Code section 8630 and Title II, Chapter 6—Emergency Operations and Functions, of the City of Arcata Municipal Code set forth the procedures to proclaim the existence or threatened existence of a local emergency when circumstances described therein exist. On April 1, 2020, the City Council adopted a resolution confirming the existence of a local emergency caused by the Coronavirus (COVID-19). The Arcata Municipal Code Title II, Chapter 6, requires the City Council to review and affirm the continuation of the Emergency proclamation every 40 days after the initial declaration.

BACKGROUND/DISCUSSION:

The Humboldt County Health Officer's and the California Governor's Emergency Declaration are still in place through March 3, 2023.

The Federal Government and California are calling on people to exercise caution about COVID-19, emphasizing the importance of getting the most current bivalent booster shots for those who are eligible and wearing masks indoors during the colder months.

The state's coronavirus emergency declaration will expire on Feb. 28, almost three years after it began. The sunset of the emergency declaration reflects a shift in how state officials are approaching the pandemic. Newsom released a statewide plan last year that calls for treating the virus as a manageable risk, as opposed to a crisis.

The coronavirus is still killing about 40 people a day in California, and is infecting people at the level of a "very bad flu season," said Dr. Timothy Brewer, an epidemiologist at U.C.L.A. But the state seems to have avoided a catastrophic winter surge, and reports of new cases have been falling in recent weeks. Three-fourths of all Californians have received at least an initial vaccination against the virus.

So more than ever in California, the virus has become something we live with, as scientists in the early days of the pandemic predicted that it eventually would. Health experts still strongly advise staying up-to-date on vaccines and boosters, and wearing a mask in high-risk environments, but they aren't as quick to recommend many other behavioral changes that were once considered necessary.

OptumServe continues to offer rapid antigen testing and PCR testing services at the Wharfinger Building in Eureka five days a week. Appointments for antigen testing can be made by calling 888-634-1123. Wharfinger testing runs Mondays, Tuesdays, Wednesdays, Fridays and Saturdays from 7 a.m. to 7 p.m. and is closed from 11 a.m. to noon and 4 to 5 p.m. and on Thursdays and Sundays.

The City continues to need and seek additional assistance, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion. The declaration of emergency also allows needed flexibility in staffing decisions and steps needed to continue to deliver essential services and to protect the City's residents. The declaration enables the City to more effectively respond to the outbreak, and potentially obtain reimbursement for the response.

Council, Commission and Committee Meetings:

COVID Modification: Meetings may be accessed by the public via Zoom or in person. Current public health orders do not require attendees to be masked unless they are unvaccinated. Social distancing is strongly encouraged.

City Council: The City will endeavor to allow access to meetings both online and in person. The City may return to Zoom platform meetings based on virus conditions in the community as needed. On September 19, 2021, Governor Newsom signed AB 361, amending the Brown Act effective through January 1, 2024.

AB 361 authorizes local agencies to continue meeting remotely without following the Brown Act's standard teleconferencing provisions, including the requirement that meetings be conducted in physical locations, if the meeting is held during a state of emergency proclaimed by the Governor and either of the following applies: (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body has already determined or is determining whether—as a result of the emergency—meeting in person would present imminent risks to the health or safety of attendees. In order to continue to conduct remote meetings without complying with the standard teleconference requirements, every 30 days the Council must make the following findings by majority vote: (1) the Council has reconsidered the circumstances of the state of emergency; and, (2) any of the following exist: (a) the state of emergency continues to directly impact the ability of the Council members to meet safely in person, or (b) state or local officials continue to impose or recommend measures to promote social distancing.

AB 361 adds new procedures and clarifies the requirements for conducting remote meetings, including the following:

- **Public Comment Opportunities in Real Time:** A legislative body that meets remotely pursuant to AB 361 must allow members of the public to access the meeting via a call-in option or an internet-based service option, and the agenda for the remote meeting must provide an opportunity for members of the public to directly address the body in real time. A legislative body cannot require public comments to be submitted in advance of the meeting.
- **No Action During Disruptions:** In the event of a disruption that prevents the local agency from broadcasting the remote meeting, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in option or internet-based service option, AB 361 prohibits the legislative body from taking any further action on items appearing on the meeting agenda until public access to the meeting via the call-in or internet-based options is restored.
- **Periodic Findings:** To continue meeting remotely pursuant to AB 361, a legislative body must make periodic findings concerning the declared emergency and its effects. AB 361 will sunset on January 1, 2024. The continuation of this Declared Emergency locally is intended to satisfy this requirement for periodic findings.

Planning Commission: The Planning Commission has returned to in person /hybrid meetings operated similar to the Council meetings.

Committees: Meetings are currently scheduled to continue in teleconference/Zoom platform. IN person committee meetings are scheduled to start in January 2023. Committee meetings are not planned with a hybrid option.

POLICY IMPLICATIONS:

The action of extending the emergency proclamation is consistent with Arcata Municipal Code Title II, Chapter 6.

BUDGET/FISCAL IMPACT:

While there will be costs associated with City's emergency response to COVID-19, continuation of the proclamation of a Local Emergency by the City Council has no direct cost impact. However, it may enable potential external sources for reimbursement to costs associated with the City's emergency response.